

RELEASED

**U.S. District Court  
Eastern District of Oklahoma (Muskogee)  
CRIMINAL DOCKET FOR CASE #: 6:21-mj-00007-KEW-1**

Case title: USA v. Ericson

Date Filed: 01/22/2021

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Assigned to: Magistrate Judge  
Kimberly E. West

**Defendant (1)**

**Andrew C. Ericson**

represented by **Neil D. Van Dalsem**  
Federal Public Defender – Muskogee  
627 W Broadway  
Muskogee, OK 74401–6220  
918–709–7019  
Fax: 918–687–2392  
Email: [neil\\_van\\_dalsem@fd.org](mailto:neil_van_dalsem@fd.org)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Public Defender or Community  
Defender Appointment*

**Pending Counts**

None

**Disposition**

**Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition**

**Highest Offense Level  
(Terminated)**

None

**Complaints**

18:1752(a)(1) & (2) – Unlawful  
Entry on Restricted Buildings or  
Grounds; 40:5104(e)(2)(D) & (G)  
– Violent Entry and Disorderly  
Conduct on Capitol Grounds

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**Disposition**

**Plaintiff****USA**

represented by **Christopher J. Wilson**  
 US Attorney (OKED)  
 520 Denison Ave  
 Muskogee, OK 74401  
 918-684-5100  
 Fax: 918-684-5150  
 Email: [Chris.Wilson@usdoj.gov](mailto:Chris.Wilson@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Government Attorney*

**Clay A. Compton**  
 US Attorney (OKED)  
 520 Denison Ave  
 Muskogee, OK 74401  
 918-684-5167  
 Fax: 918-684-5150  
 Email: [clay.compton@usdoj.gov](mailto:clay.compton@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Government Attorney*

Date Filed	#	Page	Docket Text
01/22/2021			ARREST on Charges Pending in USDC for the District of Columbia (Rule 5) by USA as to Andrew C. Ericson. (pmb, Deputy Clerk) Modified on 1/22/2021 (pmb, Deputy Clerk). (Entered: 01/22/2021)
01/22/2021	<u>1</u>		RULE 5 PAPERS from USDC for the District of Columbia as to Andrew C. Ericson. (pmb, Deputy Clerk) Modified on 1/22/2021 (pmb, Deputy Clerk). (Entered: 01/22/2021)
01/22/2021	<u>2</u>		<b>MINUTE ORDER</b> by Magistrate Judge Kimberly E. West setting video conference Rule 5 Initial Appearance for 1/25/2021 at 12:00 p.m. in Courtroom 3 before Magistrate Judge Kimberly E. West as to Andrew C. Ericson. (pmb, Deputy Clerk) Modified on 1/22/2021 (pmb, Deputy Clerk). (Entered: 01/22/2021)
01/25/2021	<u>3</u>		MINUTES of Proceedings held before Magistrate Judge Kimberly E. West: Rule 5 Initial Appearance held on 1/25/2021 as to Andrew C. Ericson. Defendant released on \$10,000 unsecured bond. (adw, Deputy Clerk) (Entered: 01/25/2021)
01/25/2021	<u>4</u>		ORAL MOTION for Appointment of Counsel by Andrew C. Ericson. (adw, Deputy Clerk) (Entered: 01/25/2021)
01/25/2021	<u>5</u>		<b>ORDER APPOINTING COUNSEL</b> by Magistrate Judge Kimberly E. West: granting 4 Oral Motion for Appointment of Counsel as to Andrew C. Ericson (1). (Attachments: # <u>1</u> Financial Affidavit) (adw, Deputy Clerk) (Entered: 01/25/2021)
01/25/2021	<u>6</u>		<b>ORDER</b> by Magistrate Judge Kimberly E. West directing defendant to answer

		and appear in district of prosecution as to Andrew C. Ericson. (adw, Deputy Clerk) (Entered: 01/25/2021)
01/25/2021	<u>7</u>	APPEARANCE BOND approved by Magistrate Judge Kimberly E. West as to Andrew C. Ericson. (adw, Deputy Clerk) (Entered: 01/25/2021)
01/25/2021	<u>8</u>	<b>ORDER SETTING CONDITIONS OF RELEASE</b> by Magistrate Judge Kimberly E. West as to Andrew C. Ericson. (adw, Deputy Clerk) (Entered: 01/25/2021)
01/25/2021	<u>9</u>	WAIVER of Rule 5 Hearing approved by Magistrate Judge Kimberly E. West by Andrew C. Ericson. (adw, Deputy Clerk) (Entered: 01/26/2021)

MIME-Version:1.0  
From:CM-ECFRetMail\_OKED@oked.uscourts.gov  
To:CM-ECFLIVE\_OKED@oked.uscourts.gov  
Bcc:  
--Case Participants: Clay A. Compton (barbara.elmore@usdoj.gov, caseview.ecf@usdoj.gov, clay.compton@usdoj.gov, usaoke.criminal@usdoj.gov), Christopher J. Wilson (caseview.ecf@usdoj.gov, chris.wilson@usdoj.gov, usaoke.criminal@usdoj.gov), Magistrate Judge Kimberly E. West (allison\_winkle@oked.uscourts.gov, amy\_green@oked.uscourts.gov, kurt\_anderson@oked.uscourts.gov, staci\_roberds@oked.uscourts.gov)  
--Non Case Participants:  
--No Notice Sent:  
  
Message-Id:1168085@oked.uscourts.gov  
Subject:Activity in Case 6:21-mj-00007-KEW USA v. Erickson Arrest (Rule 5)  
Content-Type: text/html

**U.S. District Court**

**Eastern District of Oklahoma**

**Notice of Electronic Filing**

The following transaction was entered on 1/22/2021 at 9:30 AM CST and filed on 1/22/2021

**Case Name:** USA v. Erickson  
**Case Number:** 6:21-mj-00007-KEW  
**Filer:** USA

**Document Number:** No document attached

**Docket Text:**

**ARREST on Charges Pending in USDC for the District of Columbia (Rule 5) by USA as to Andrew C. Erickson. (pmb, Deputy Clerk)**

**6:21-mj-00007-KEW-1 Notice has been electronically mailed to:**

Christopher J. Wilson &nbsp &nbsp Chris.Wilson@usdoj.gov, CaseView.ECF@usdoj.gov, usaoke.criminal@usdoj.gov

Clay A. Compton &nbsp &nbsp clay.compton@usdoj.gov, barbara.elmore@usdoj.gov, CaseView.ECF@usdoj.gov, usaoke.criminal@usdoj.gov

**6:21-mj-00007-KEW-1 Notice has been delivered by other means to:**

## UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Andrew C. Ericson

Case No. 1:21-MJ-00131

EDOK Case No. 20-MJ-07-KEW

)

*Defendant*

## ARREST WARRANT

To: Any authorized law enforcement officer

**YOU ARE COMMANDED** to arrest and bring before a United States magistrate judge without unnecessary delay  
*(name of person to be arrested)* Andrew C. Ericson  
 who is accused of an offense or violation based on the following document filed with the court:

- Indictment     Superseding Indictment     Information     Superseding Information     Complaint  
 Probation Violation Petition     Supervised Release Violation Petition     Violation Notice     Order of the Court

This offense is briefly described as follows:

18 U.S.C. 1752(a)(1) & (2)- Unlawful Entry on Restricted Buildings or Grounds;  
40 U.S.C. 5104(e)(2)(D) & (G)- Violent Entry and Disorderly Conduct on Capitol Grounds

Date: 01/20/20212021.01.20  
15:58:30 -05'00'*Issuing officer's signature*City and state: Washington, D.C.Zia M. Faruqui, U.S. Magistrate Judge*Printed name and title*

## Return

This warrant was received on *(date)* \_\_\_\_\_, and the person was arrested on *(date)* \_\_\_\_\_  
 at *(city and state)* \_\_\_\_\_.

Date: \_\_\_\_\_

*Arresting officer's signature**Printed name and title*

AO 91 (Rev. 11/11) Criminal Complaint

**UNITED STATES DISTRICT COURT**  
for the  
**District of Columbia**

United States of America	)
v.	)
Andrew C. Ericson	) Case No.
	)
	)
	)
<b>Date of Birth:</b> 7/29/1997	)

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*Defendant(s)*

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of \_\_\_\_\_ in the \_\_\_\_\_  
in the District of Columbia, the defendant(s) violated:

*Code Section*

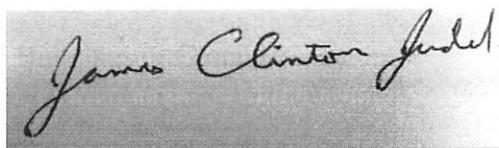
*Offense Description*

18 U.S.C. 1752(a)(1) & (2)- Unlawful Entry on Restricted Buildings or Grounds;  
40 U.S.C. 5104(e)(2)(D) & (G)- Violent Entry and Disorderly Conduct on Capitol Grounds

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.



*Complainant's signature*

James Clinton Judd, Special Agent  
*Printed name and title*

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1  
by telephone.

Date: 01/20/2021

  
2021.01.20  
15:57:30 -05'00'

*Judge's signature*

City and state: Washington, D.C. Zia M. Faruqui, U.S. Magistrate Judge  
*Printed name and title*

## **STATEMENT OF FACTS**

I, James Clinton Judd, a Special Agent ("SA") with the Federal Bureau of Investigation ("FBI"), being duly sworn, depose, and state as follows:

1. I am a Special Agent of the FBI and have been so employed for approximately 25 years. I am currently assigned to the Oklahoma City Division, Tulsa Resident Agency of the FBI, and am authorized and responsible for conducting investigations of numerous criminal and national security violations falling within the FBI's jurisdiction. During my career as an FBI Agent, I have investigated violent crimes and threats against national security to include crimes against the United States Government.

2. As a federal agent, I am authorized to investigate violations of the laws of the United States, and to execute warrants issued under the authority of the United States.

3. The statements contained in this Affidavit are based in part on: information provided by law enforcement officers, Special Agents of the FBI, and other investigations that I have received, directly or indirectly, from other law enforcement agents; independent investigation; and my experience, training, and background as a Special Agent with the FBI. This Affidavit is written to establish probable cause to search as described herein, and I have not included every detail of the investigation. In addition, unless otherwise indicated, all statements contained in this Affidavit are summaries in substance and in part. The following is true to the best of my knowledge and belief.

4. As will be shown below, there is probable cause to believe that violations of Title 18, United States Code (U.S.C), Section 1752(a)(1) and (2) (Unlawful Entry on Restricted Buildings or Grounds), and Title 40 U.S.C. Section 5104(e)(2)(D) and (G) (Violent Entry and Disorderly Conduct on Capitol Grounds) occurred.

5. VENUE: the facts and circumstances alleged in this affidavit occurred within the District of Columbia, among other places.

6. SUBJECT: the subject and target of the investigation is ANDREW ERICSON, date of birth (DOB) 07/29/1997, hereinafter referred to as ANDREW ERICSON.

#### **STATEMENT OF FACTS**

7. The U.S. Capitol, which is located at First Street, SE, in Washington, D.C., is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification are allowed access inside the U.S. Capitol.

8. On January 6, 2021, the exterior plaza of the U.S. Capitol was closed to members of the public.

9. On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

10. As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the

exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

11. At approximately 2:00 p.m., certain individuals in the crowd forced their way through, up, and over the barricades, and officers of the U.S. Capitol Police, and the crowd advanced to the exterior façade of the building. The crowd was not lawfully authorized to enter or remain in the building and, prior to entering the building, no members of the crowd submitted to security screenings or weapons checks by U.S. Capitol Police Officers or other authorized security officials.

12. At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, shortly after 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

13. Shortly thereafter, at approximately 2:20 p.m., members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, all proceedings of the United States Congress, including the joint session, were effectively suspended until shortly after 8:00 p.m. the same day. In light of the dangerous circumstances caused by the unlawful entry to the U.S. Capitol, including the danger posed by individuals who had entered the U.S. Capitol without any security screening or weapons check, Congressional proceedings could not resume until after every unauthorized occupant had left the U.S. Capitol, and the building had been confirmed secured. The proceedings resumed at approximately 8:00 pm after the building had

been secured. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the session resumed.

14. During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

15. On January 8, 2021, United States Attorney (USA) Trent Shores, Northern District of Oklahoma, contacted Supervisory Special Resident Agent (SSRA) Terry Heatherman, Tulsa Resident Agency, Oklahoma City Division, regarding Snapchat photographs USA Shores had received in which a male by the name of ANDREW ERICSON was in the United States Capitol Building on January 6, 2021. USA Shores stated he believed ERICSON resided in Muskogee, Oklahoma, which is in the Eastern District of Oklahoma. Affiant received the Snapchat photographs from SSRA Heatherman on January 8, 2021.

16. Snapchat is a mobile application (app) for Android and iOS (Apple) devices. One of the core concepts of the Snapchat app is that any picture, video, or message sent is available to the recipient for only a short time before it becomes inaccessible. Snapchat accounts are linked to a user's telephone number(s). The ability to identify an account, or accounts, linked to a telephone number is a feature offered by Snapchat so friends, family, and/or associates can look up accounts belonging to the contact list saved in their telephone. Snapchat allows the user to store media in a private storage area accessible only to the user, which may be stored on the user's mobile device.

17. On January 12, 2021, a review of open source and FBI database searches revealed ANDREW ERICSON is associated with telephone numbers 918-577-2899 and 918-683-1315. Further, this query revealed the telephone number 918-577-2899 is associated with ANDREW

ERICSON and a Snapchat account under the username of andrewericson77 and a display name of Andrew Ericson. In the experience of Affiant, persons may have more than one account with social media accounts such as Snapchat utilizing different user and display names. Based upon this investigation, Affiant has reason to believe ANDREW ERICSON used a personal cellular device to take at least two photographs of himself and livestream his entrance into the United States Capitol Building.

18. The two photographs, both posted on the Snapchat page of ANDREW ERICSON in the same approximate time frame of 3:30 p.m., appear to show ERICSON taking a “selfie” in one photograph and having someone else take a photograph of him in the other photograph, while inside the United States Capitol Building. Both photographs, which are pasted below this paragraph, display the name Andrew Ericson.



19. On January 13, 2021, Special Agent James Hardy, United States Capitol Police, Threat Assessment Section, was shown the photographs received by Affiant from SSRA Heatherman. Based on the information SA Hardy has learned from the investigation, SA Hardy

was able to confirm the pictures of ERICSON were taken in the United States House of Representatives Speaker's Conference Room, H-230, of the United States Capitol Building.

20. An individual referred to herein as Witness 1 submitted a tip to the FBI's National Threat Operations Center (NTOC) on January 11, 2021. Witness 1 told NTOC that ANDREW ERICSON was livestreaming his participation in the Capitol siege on January 6, 2021, and Witness 1 had a previous professional relationship with the subject in the past which allowed Witness 1 to recognize ANDREW ERICSON.

21. On January 15, 2021, Affiant interviewed Witness 1, who provided the following information: On January 6, 2021, Witness 1 saw a post from ANDREW ERICSON on Snapchat. Witness 1 had not seen ANDREW ERICSON on Snapchat prior to this date. Witness 1 stated ANDREW ERICSON was livestreaming his entrance into the United States Capitol Building and then walking around inside the building. During the livestream, Witness 1 also saw ERICSON enter what Witness 1 thinks is Nancy Pelosi's office and take what appeared to be a beer out of a refrigerator in an office. Witness 1 was able to capture two segments of the live-streaming video of ANDREW ERICSON. Witness 1 was unable to capture all of the livestream video ANDREW ERICSON took of himself and the crowd. Witness 1 stated IT did not see any violent acts committed by ANDREW ERICSON but noted that IT (Witness 1) did hear ERICSON screaming and yelling during the livestream.

22. Witness 1 told Affiant that IT and ANDREW ERICSON lived in neighboring communities, had known one another since high school, when they became acquainted through mutual friends, among other things. Witness 1 said IT clearly recognized ERICSON in the snapchat pictures and livestream based upon ITs knowledge of him as described above.

23. Witness 1 provided Affiant with the two segments of the livestream Witness 1 was able to capture while watching ERICSON's livestream on IT's device. Both videos display the name "ANDREW ERIKSON." During a subsequent interview with Affiant, Witness 1 stated IT added the name of ANDREW ERICSON into IT's contact list with an incorrect spelling and thus, the name on IT's Snapchat application shows up with the incorrect spelling. Witness 1 stated both livestream videos are from ANDREW ERICSON. The first video from ANDREW ERICSON (with the display name showing Andrew Erikson) was at 2:21 p.m. on January 6, 2021, and showed people outside of the United States Capitol Building as a group of people were climbing the stairs into the United States Capitol. This video lasted approximately 26 seconds. The second video (also with the display name Andrew Erikson) was at 2:24 p.m. and showed a large number of people inside the United States Capitol Building. This video lasted approximately 15 seconds. Witness 1 stated ANDREW ERICSON was the person livestreaming the videos. Witness 1 told Affiant the ANDREW ERICSON livestream video was approximately 2-3 minutes in length and that ANDREW ERICSON posted approximately 10-15 videos and pictures on Snapchat of himself inside and around the United States Capitol Building. Witness 1 did not capture any of those photographs or videos beyond the two videos sent to Affiant. Witness 1 told Affiant that Witness 1 remembered one Snapchat photo ANDREW ERICSON posted where another person took a photograph of ANDREW ERICSON sitting in a chair in what might be Nancy Pelosi's office.

24. During Witness 1's subsequent interview with Affiant, Witness 1 said IT is "1,000% certain of the identity" of ANDREW ERICSON in the Snapchat livestream IT saw. Witness 1 stated IT was able to recognize both the face and voice of ANDREW ERICSON in the livestream video.

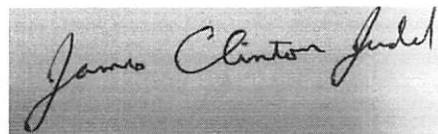
25. A review of the Oklahoma Driver's License database revealed a driver's license photograph of ANDREW ERICSON. A comparison of the Snapchat photographs received by Affiant from SSRA Heatherman depicting ANDREW ERICSON in the United States Capitol and the Oklahoma Driver's License for ANDREW ERICSON, leads Affiant to believe the person in the Snapchat photographs and the driver's license photograph are the same person. This same review indicated ANDREW ERICSON resides in Muskogee, Oklahoma, which is located within the Eastern District of Oklahoma.

### CONCLUSION

26. Based on the foregoing, your affiant submits that there is probable cause to believe that ANDREW ERICSON violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a "restricted building" includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

27. Your affiant submits there is also probable cause to believe that ANDREW ERICSON violated 40 U.S.C. § 5104(e)(2)(D) and (G), which makes it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive

conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.



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James Clinton Judd  
Special Agent  
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 20th day of January 2021.



2021.01.20  
15:56:49 -05'00'

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Zia M. Faruqui  
United States Magistrate Judge

MIME-Version:1.0  
From:CM-ECFRetMail\_OKED@oked.uscourts.gov  
To:CM-ECFLIVE\_OKED@oked.uscourts.gov  
Bcc:  
--Case Participants: Clay A. Compton (barbara.elmore@usdoj.gov, caseview.ecf@usdoj.gov, clay.compton@usdoj.gov, usaoke.criminal@usdoj.gov), Christopher J. Wilson (caseview.ecf@usdoj.gov, chris.wilson@usdoj.gov, usaoke.criminal@usdoj.gov), Magistrate Judge Kimberly E. West (allison\_winkle@oked.uscourts.gov, amy\_green@oked.uscourts.gov, kurt\_anderson@oked.uscourts.gov, staci\_roberds@oked.uscourts.gov)  
--Non Case Participants: OKED Probation - Presentence (cm-ecf\_mail\_okep@okep.uscourts.gov), US Marshall (oked\_usmnef@oked.uscourts.gov)  
--No Notice Sent:

Message-Id:1168090@oked.uscourts.gov  
Subject:Activity in Case 6:21-mj-00007-KEW USA v. Erickson Order  
Content-Type: text/html

**U.S. District Court**

**Eastern District of Oklahoma**

**Notice of Electronic Filing**

The following transaction was entered on 1/22/2021 at 9:37 AM CST and filed on 1/22/2021

**Case Name:** USA v. Erickson

**Case Number:** 6:21-mj-00007-KEW

**Filer:**

**Document Number:** 2(No document attached)

**Docket Text:**

**MINUTE ORDER by Magistrate Judge Kimberly E. West setting video conference Rule 5 Initial Appearance for 1/25/2021 at 12:00 p.m. in Courtroom 3 before Magistrate Judge Kimberly E. West as to Andrew C. Erickson. (pmb, Deputy Clerk)**

**6:21-mj-00007-KEW-1 Notice has been electronically mailed to:**

Christopher J. Wilson Chris.Wilson@usdoj.gov, CaseView.ECF@usdoj.gov, usaoke.criminal@usdoj.gov

Clay A. Compton clay.compton@usdoj.gov, CaseView.ECF@usdoj.gov, barbara.elmore@usdoj.gov, usaoke.criminal@usdoj.gov

**6:21-mj-00007-KEW-1 Notice has been delivered by other means to:**

# UNITED STATES DISTRICT COURT

for the

## EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,	)	
	)	Case No.: 21-MJ-07-KEW
Plaintiff,	)	
v.	)	Date: 01/25/2021
<u>ANDREW C. ERICSON</u>	)	Time: 12:30 pm – 12:38 pm
Defendant.	)	

### MINUTE SHEET INITIAL APPEARANCE (Rule 5)

U.S. Magistrate Judge Kimberly E. West      Allison Winkle, Deputy Clerk      FTR Courtroom: 3 - Room 432

Counsel for Plaintiff: Benjamin Gifford, AUSA

Counsel for Defendant: Neil D. Van Dalsem, AFPD

Defendant gives oral consent to proceed by video conference

Fin. Afdt / oral request for counsel Obj by Gov't:  yes  no  Court appointed counsel

Defendant acknowledged receipt of copy of Complaint from USDC – District of Columbia (Case No. 1:21-MJ-131)

Court advised defendant of constitutional rights under Rule 5.

Court advised defendant of constitutional rights under Rule 20.

Defendant waived Identity Hearing  Waiver executed and accepted by Court

Defendant waived Preliminary Hearing

Defendant requested Preliminary Hearing

Preliminary Hearing set

Defendant requested to proceed to prosecuting district for preliminary hearing

Government requested Detention

Defendant waived detention hearing in this district and requested to be allowed to proceed to prosecuting district for further proceedings

Defendant reserved issue of detention at this time

Defendant agreed issue of bond is moot

Defendant requested Detention Hearing

Detention Hearing set

Defendant remanded to custody of U.S. Marshal for removal to the \_\_\_\_\_ District of \_\_\_\_\_

Defendant allowed to post bond in the amount of \$10,000 (unsecured)

Conditions of Release: See Order

#### **Additional Minutes:**

Defendant Ordered to appear by Zoom Conference on 1/29/2021 at 1:00 PM before Judge Harvey

The sound recording for this hearing has been reviewed for completeness and correctness. The recording is a true and accurate record of these proceedings: AW

MIME-Version:1.0  
From:CM-ECFRetMail\_OKED@okd.uscourts.gov  
To:CM-ECFLIVE\_OKED@okd.uscourts.gov  
Bcc:  
--Case Participants: Neil D. Van Dalsem (neil\_van\_dalsem@fd.org, okn\_ecf@fd.org), Clay A. Compton (barbara.elmore@usdoj.gov, caseview.ecf@usdoj.gov, clay.compton@usdoj.gov, usaoke.criminal@usdoj.gov), Christopher J. Wilson (caseview.ecf@usdoj.gov, chris.wilson@usdoj.gov, sheryl.hanshaw@usdoj.gov, usaoke.criminal@usdoj.gov), Magistrate Judge Kimberly E. West (allison\_winkle@okd.uscourts.gov, amy\_green@okd.uscourts.gov, kurt\_anderson@okd.uscourts.gov, staci\_roberds@okd.uscourts.gov)  
--Non Case Participants:  
--No Notice Sent:

Message-ID:1168889@okd.uscourts.gov  
Subject:Activity in Case 6:21-mj-00007-KEW USA v. Ericson Motion for Appointment of Counsel  
Content-Type: text/html

**U.S. District Court**

**Eastern District of Oklahoma**

**Notice of Electronic Filing**

The following transaction was entered on 1/25/2021 at 2:51 PM CST and filed on 1/25/2021

**Case Name:** USA v. Ericson  
**Case Number:** 6:21-mj-00007-KEW  
**Filer:** Dft No. 1 – Andrew C. Ericson  
**Document Number:** 4(No document attached)

**Docket Text:**

**ORAL MOTION for Appointment of Counsel by Andrew C. Ericson. (adw, Deputy Clerk)**

**6:21-mj-00007-KEW-1 Notice has been electronically mailed to:**

Christopher J. Wilson &nbsp &nbsp Chris.Wilson@usdoj.gov, CaseView.ECF@usdoj.gov, sheryl.hanshaw@usdoj.gov, usaoke.criminal@usdoj.gov

Clay A. Compton &nbsp &nbsp clay.compton@usdoj.gov, barbara.elmore@usdoj.gov, CaseView.ECF@usdoj.gov, usaoke.criminal@usdoj.gov

Neil D. Van Dalsem &nbsp &nbsp neil\_van\_dalsem@fd.org, okn\_ecf@fd.org

**6:21-mj-00007-KEW-1 Notice has been delivered by other means to:**

**FILED**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA

JAN 25 2021

UNITED STATES OF AMERICA,

PATRICK KEANEY  
Clerk, U.S. District CourtBy \_\_\_\_\_  
Deputy Clerk

Plaintiff,

vs.

ANDREW C. ERICSON

Defendant.

Case No. 21-MJ-07-KEW

**ORDER APPOINTING COUNSEL**

On 1/25/2021 the above named having completed an affidavit as to financial ability to employ counsel, and upon review, the Court finds that the affiant is financially unable to obtain counsel. In accordance with the Eastern District of Oklahoma Plan for Implementing the Criminal Justice Act of 1984,

**IT IS HEREBY ORDERED** that the:

- Federal Public Defender is appointed to represent the above-named defendant in all further proceedings unless and until relieved by order of the court.
- Federal Public Defender shall forthwith furnish the name(s) of a private attorney or attorneys, as necessary, for appointment to represent the above-named defendant in all further proceedings unless and until relieved by order of the Court.
- The Court finds that the defendant has the financial ability to make regular periodic payments to reimburse the government for the reasonable costs of providing representation for the defendant. The Court hereby ORDERS that the defendant pay to the Clerk of the Court, 101 North Fifth Street, Room 210, Muskogee, Oklahoma, \$\_\_\_\_\_ per month, on or before the 15th day of each month, continuing until the government has been fully reimbursed for all reasonable costs of providing representation to the defendant or until further order of the Court.
- Federal Public Defender is temporarily appointed to represent the above-named defendant for purposes of initial appearance only.

Dated this 25th day of January, 2021.



KIMBERLY E. WEST  
U.S. MAGISTRATE JUDGE

CJA 23  
(Rev. 11/11)**FINANCIAL AFFIDAVIT**

IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT, OR OTHER SERVICES WITHOUT PAYMENT OF FEE

IN THE UNITED STATES  DISTRICT COURT  COURT OF APPEALS  OTHER (Specify below)  
IN THE CASE OF

USA v. ERICSON

FOR

AT

LOCATION NUMBER

PERSON REPRESENTED (Show your full name)

ANDREW C. ERICKSON

CHARGE/OFFENSE (describe if applicable &amp; check box →)

\*see Complaint

 Felony  
 Misdemeanor

- 1  Defendant - Adult
- 2  Defendant - Juvenile
- 3  Appellant
- 4  Probation Violator
- 5  Supervised Release Violator
- 6  Habeas Petitioner
- 7  2255 Petitioner
- 8  Material Witness
- 9  Other (Specify) \_\_\_\_\_

DOCKET NUMBERS
Magistrate Judge 21-MJ-07-KEW
District Court
Court of Appeals

**ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY**

EMPLOY- MENT	Are you now employed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Self-Employed	
	Name and address of employer: _____	
	IF YES, how much do you earn per month? \$ _____	IF NO, give month and year of last employment? <u>01/2021</u> How much did you earn per month? \$ <u>100</u>
	If married, is your spouse employed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
IF YES, how much does your spouse earn per month? \$ _____	If you are a minor under age 21, what is the approximate monthly income of your parent(s) or guardian(s)? \$ _____	
INCOME & ASSETS	Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	OTHER INCOME	RECEIVED SOURCES
PROP- ERTY	IF YES, give the amount \$ _____ received and identify the sources \$ _____	DESCRIPTION
	IF YES, give value and description for each \$ <u>about 5000</u> <u>2000</u> \$ _____	<u>Mercedes ML320 years 2001</u> <u>Silver</u>
CASH	Do you have any cash on hand or money in savings or checking accounts? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No IF YES, total amount? \$ <u>4000</u>	
Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? <input type="checkbox"/> Yes <input type="checkbox"/> No		

OBLIGATIONS & DEBTS	DEPENDENTS	MARITAL STATUS	List persons you actually support and your relationship to them	
		Single Married Widowed Separated or Divorced	Total No. of Dependents	_____
DEBTS & MONTHLY BILLS (Rent, utilities, loans, charge accounts, etc.)	DESCRIPTION	TOTAL DEBT	MONTHLY PAYMENT	
	<u>AMEX credit card</u>	\$ <u>1000</u>	\$ <u>270</u>	
		\$ _____	\$ _____	
		\$ _____	\$ _____	
		\$ _____	\$ _____	

I certify under penalty of perjury that the foregoing is true and correct.

Andrew EricksonSIGNATURE OF DEFENDANT  
(OR PERSON REPRESENTED)

1/25/2021

Date

Oklahoma Eastern

AO 467 (Rev. 01/09) Order Requiring a Defendant to Appear in the District Where Charges are Pending and Transferring Bail

**UNITED STATES DISTRICT COURT**  
for the

**EASTERN** District of **OKLAHOMA**

United States of America	)	
v.	)	Case No. 21-MJ-07-KEW
ANDREW C. ERICSON	)	Charging District:
<i>Defendant</i>	)	Charging District's Case No. 1:21-MJ-00131

**ORDER REQUIRING A DEFENDANT TO APPEAR IN THE DISTRICT  
WHERE CHARGES ARE PENDING AND TRANSFERRING BAIL**

After a hearing in this court, the defendant is released from custody and ordered to appear in the district court where the charges are pending to answer those charges. If the time to appear in that court has not yet been set, the defendant must appear when notified to do so. Otherwise, the time and place to appear in that court are:

Place: U.S. DISTRICT COURT DISTRICT OF COLUMBIA Before Judge Harvey	Courtroom No.: 6 (By Zoom)
	Date and Time: 1/29/2021 AT 1:00 pm

The clerk is ordered to transfer any bail deposited in the registry of this court to the clerk of the court where the charges are pending.

Date: 1/21/2021

*Judge's signature*


---

**KIMBERLY E. WEST, U.S. Magistrate Judge**

---

*Printed name and title*

~~FILED~~

## UNITED STATES DISTRICT COURT

for the

Eastern District of Oklahoma

JAN 25 2021

PATRICK KEANEY  
Clerk, U.S. District Court

By \_\_\_\_\_

Deputy Clerk

United States of America )

v. )

Case No. 21-MJ-07-KEW

ANDREW C. ERICSON )

Defendant )

## APPEARANCE BOND

## Defendant's Agreement

I, ANDREW C. ERICSON (*defendant*), agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

- to appear for court proceedings;
- if convicted, to surrender to serve a sentence that the court may impose; or
- to comply with all conditions set forth in the Order Setting Conditions of Release.

## Type of Bond

(1) This is a personal recognizance bond.

(2) This is an unsecured bond of \$ 10,000.00

(3) This is a secured bond of \$ , secured by:

(a) \$ , in cash deposited with the court.

(b) the agreement of the defendant and each surety to forfeit the following cash or other property  
*(describe the cash or other property, including claims on it — such as a lien, mortgage, or loan — and attach proof of ownership and value):*

If this bond is secured by real property, documents to protect the secured interest may be filed of record.

(c) a bail bond with a solvent surety *(attach a copy of the bail bond, or describe it and identify the surety):*

## Forfeiture or Release of the Bond

*Forfeiture of the Bond.* This appearance bond may be forfeited if the defendant does not comply with the above agreement. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.

AO 98 - (OKED Rev. 2/19) Appearance Bond

*Release of the Bond.* The court may order this appearance bond ended at any time. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

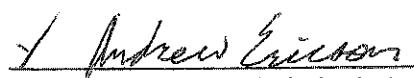
### Declarations

*Ownership of the Property.* I, the defendant – and each surety – declare under penalty of perjury that:

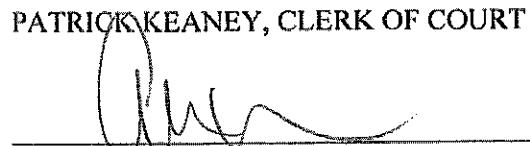
- (1) all owners of the property securing this appearance bond are included on the bond;
- (2) the property is not subject to claims, except as described above; and
- (3) I will not sell the property, allow further claims to be made against it, or do anything to reduce its value while this appearance bond is in effect.

*Acceptance.* I, the defendant – and each surety – have read this appearance bond and have either read all the conditions of release set by the court or had them explained to me. I agree to this Appearance Bond.

I, the defendant – and each surety – declare under penalty of perjury that this information is true. (See 28 U.S.C. § 1746.)

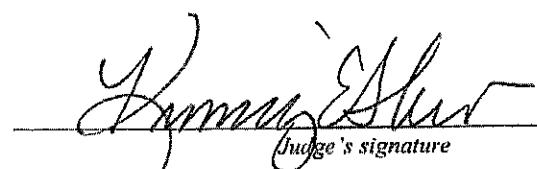
Date: 01/25/2021


Defendant's signature

*Surety/property owner – printed name**Surety/property owner – signature and date**Surety/property owner – printed name**Surety/property owner – signature and date**Surety/property owner – printed name**Surety/property owner – signature and date*Date: 01/25/2021


Signature of Clerk or Deputy Clerk

Approved.

Date: 01/25/2021


KIMBERLY E. WEST, U.S. Magistrate Judge

Name and Title

Oklahoma Eastern

UNITED STATES DISTRICT COURT  
for the  
Eastern District of Oklahoma

**FILED**

JAN 25 2021

PATRICK KEANEY  
Clerk, U.S. District Court

By \_\_\_\_\_ Deputy Clerk

United States of America )  
v. )  
ANDREW C. ERICSON )  
Defendant )

) Case No. 21-MJ-07-KEW

**ORDER SETTING CONDITIONS OF RELEASE**

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: U.S. District Court in the District of Columbia (by Zoom)  
*Place*

on January 29, 2021 at 1:00 PM  
*Date and Time*

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

**ADDITIONAL CONDITIONS OF RELEASE**

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

- ( ) (6) The defendant is placed in the custody of:

Person or organization \_\_\_\_\_

Address (*only if above is an organization*) \_\_\_\_\_

City and state \_\_\_\_\_

Tel. No. \_\_\_\_\_

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: \_\_\_\_\_

*Custodian*

*Date*

- ( ) (7) The defendant must:

- ( ) (a) submit to supervision by and report for supervision to the \_\_\_\_\_ n/a

telephone number \_\_\_\_\_, no later than \_\_\_\_\_

- ( ) (b) continue or actively seek employment.

- ( ) (c) **TYPE OF BOND:** \$10,000 unsecured

- ( ) (d) surrender any passport to: the U.S. District Court for the District of Columbia

- ( ) (e) not obtain a passport or other international travel document.

- ( ) (f) abide by the following restrictions on personal association, residence, or travel: Eastern District of Oklahoma and Northern District of Oklahoma and the District of Columbia

unless given permission by the U.S. Probation Office or for Court purposes.

- ( ) (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: Codefendants \_\_\_\_\_

- ( ) (h) get medical or psychiatric treatment:

as directed by Pretrial Services. Sign all appropriate release forms so Pretrial Services can monitor compliance.

- ( ) (i) return to custody each \_\_\_\_\_ at \_\_\_\_\_ o'clock after being released at \_\_\_\_\_ o'clock for employment, schooling, or the following purposes:

- ( ) (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.

- ( ) (k) not possess any illegal firearm or destructive device

- ( ) (l) not use alcohol ( ) at all ( ) excessively.

- ( ) (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

- ( ) (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.

- ( ) (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.

- ( ) (p) participate in one of the following location restriction programs and comply with its requirements as directed.

( ) (i) **Curfew.** You are restricted to your residence every day ( ) from \_\_\_\_\_ to \_\_\_\_\_, or ( ) as directed by the pretrial services office or supervising officer; or

( ) (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or

( ) (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court.

- ( ) (q) submit to radio frequency, cellular or global positioning system (GPS) location monitoring as directed by the pretrial services office or supervising officer and comply with all of the program requirements and instructions provided.

( ) You must pay all or part of the cost of the program based on your ability to pay as determined by the pretrial services office or supervising officer.

- ( ) (r) report as soon as possible, to the pretrial services office or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.

- ( ) (s) While on pretrial release defendant shall report as directed and permit a pretrial services officer to visit defendant's home or elsewhere and permit confiscation of any contraband observed in plain view.

- ( ) (t) **only travel to D.C. for Court proceedings**

- ( ) (u)

- ( ) (v)

**ADVICE OF PENALTIES AND SANCTIONS**

**TO THE DEFENDANT:**

**YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:**

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

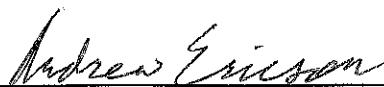
If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

**Acknowledgment of the Defendant**

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.



Defendant's Signature

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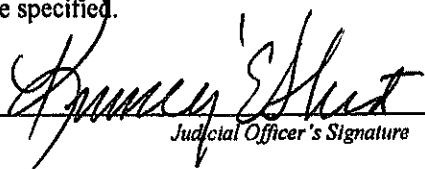
Muskogee, Oklahoma

*City and State*

**Directions to the United States Marshal**

- ( ) The defendant is ORDERED released after processing.  
 ( ) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: 01/25/2021



Judicial Officer's Signature

KIMBERLY E. WEST, U.S. Magistrate Judge

*Printed name and title*

**UNITED STATES DISTRICT COURT**  
for the  
**Eastern District of Oklahoma**

United States of America	)	
v.	)	Case No. 21-MJ-07-KEW
ANDREW C. ERICSON	)	Charging District's Case No. 1:21-MJ-113
<hr style="border-top: 1px solid black; margin: 5px 0;"/>		
<i>Defendant</i>	)	

**WAIVER OF RULE 5 & 5.1 HEARINGS**  
**(Complaint or Indictment)**

I understand that I have been charged in another district, the (*name of other court*) USDC/District of Columbia

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing within 14 days of my first appearance if I am in custody and 21 days otherwise — unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- an identity hearing and production of the warrant.
- a preliminary hearing.
- a detention hearing.
- an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 1/25/2021

*Andrew Ericson*

Defendant's signature

*Jeff J.*

Signature of defendant's attorney

Printed name of defendant's attorney